

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

MICHAEL ANTHONY PARKER,

Petitioner,

vs.

ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondent.

CV 22-67-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston entered his Findings and Recommendations in this case on July 27, 2022. (Doc. 3.) Magistrate Judge Johnston recommended that Petitioner Michael Anthony Parker’s habeas petition (Doc. 1) be dismissed without prejudice as unexhausted. (Doc. 3.)

Neither party filed objections to the Findings and Recommendations. The parties have waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United*

States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted). Reviewing for clear error and finding none,

IT IS ORDERED that Magistrate Judge Johnston's Findings and Recommendations (Doc. 3) are **ADOPTED IN FULL**. Parker's Petition (Doc. 1) is **DISMISSED** without prejudice as unexhausted. A certificate of appealability is **DENIED**.

DATED this 12th day of September, 2022.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court